

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF DENNIS L.	) APPEAL NO. 06-A-2097
MCCLURE from the decision of the Board of	) FINAL DECISION
Equalization of Ada County for tax year 2006.	) AND ORDER

**AGRICULTURAL LAND APPEAL**

THIS MATTER came on for hearing October 17, 2006, in Boise, Idaho, before Hearing Officer Sandra Tatom. Board Members Lyle R. Cobbs and David E. Kinghorn participated in this decision. Appellant was not present at hearing as he is presenting his information in writing. Chief Deputy Tim Tallman and Appraiser Janelle Gannon appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization (BOE) denying the protest of the valuation for taxing purposes of property described as Parcel No. S1315449280.

**The issue on appeal is the qualification of subject as land actively devoted to Agriculture, pursuant to Idaho Code § 63-602K and 63-604.**

**The decision of the Ada County Board of Equalization is affirmed.**

FINDINGS OF FACT

The only issue on appeal is whether subject should be assessed as agricultural land.

The assessed land value of subject as agricultural land would be \$6,300. Subject was reassessed in 2006 and valued at market value for \$134,300.

The subject property is 5.99 acres of land located at the corner of Deer Flat and Ten Mile Roads in Kuna, Idaho.

Respondent valued the land as rural land rather than agricultural land for 2006. Subject was previously farmed and assessed as agricultural land. Respondent noted the land was no longer being farmed and notified Appellant the land would be assessed at market value for 2006.

Appellant stated in a letter "the property should not be rezoned until after it is sold."

Subject was farmed in the past, but Appellant has not retained a farmer to lease the property for two years. Taxpayer also stated "it is unfair that I should have to pay for rezoning when I have no intention of developing it". The subject is currently on the market for \$1,300,000.00.

Respondent assessed the property at market value because it did not qualify to be assessed as agricultural land pursuant to Idaho Code § 63-604. Additionally, State Tax Commission Property Tax Rule 645(d) provides that land of over five (5) acres used for farming, grazing, or in a crop retirement or rotation program each year, qualifies to be assessed as agricultural land. If land does not annually meet any of these requirements, it shall be valued at market value.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value or exempt status. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code § 63-604 -- Land actively devoted to agriculture defined.

(1) For property tax purposes, land which is actively devoted to agriculture shall be eligible for appraisal, assessment and taxation as agricultural property each year it meets one (1) or more of the following qualifications:

(a) The total area of such land, including the homesite, is more than five (5) contiguous acres, and is actively devoted to agriculture which means:

(i) It is used to produce field crops including, but not limited to, grains, feed crops, fruits and vegetables; or

(ii) It is used to produce nursery stock as defined in section 22-2302(11), Idaho Code; or

(iii) It is used by the owner for the grazing of livestock to be sold as part of a for-profit enterprise, or is leased by the owner to a bona fide lessee for grazing purposes; or

(iv) It is in a cropland retirement or rotation program.

The issue in this appeal is whether the subject property qualifies for the agricultural

exemption on January 1, 2006. The Agricultural Exemption is a “use” Exemption. Appellant maintained subject was not farmed, nor was it in a cropland retirement or rotation program. Therefore, subject does not meet the requirements of Idaho Code and thus does not qualify as land actively devoted to agriculture. The Board finds the agricultural exemption is not appropriate, and subject must be assessed under the market value standard.

The State Board of Tax Appeals must deny the agricultural exemption claim and sustain the decision of the Ada County Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 31st day of January , 2007.